APPENDIX B: ZONING AMENDMENTS AND LOCAL LAWS SUPPORTING THE IMPLEMENTATION OF THE LWRP

This appendix contains excerpts from the Village of Union Springs Zoning Law which are new amendments necessary in order to implement the LWRP. This appendix also contains two new local laws and regulations that are necessary for the implementation of the LWRP, in addition to the Consistency Review Law found in Appendix A. The Village of Union Springs adopted the following zoning amendments and local laws on March 17, 2020 to implement this LWRP.

- Local Law #2 of 2020: Amendments to the Zoning Law to Include Historic Preservation Considerations During Site Plan Review
- Local Law #3 of 2020: Village of Union Springs Dock and Mooring Law
- Local Law #4 of 2020: Village of Union Springs Stormwater Management, Erosion, and Sediment Control Law

VILLAGE OF UNION SPRINGS, NEW YORK
PROPOSED ZONING LAW AMENDMENTS

Be it enacted by the Board of Trustees of the Village of Union Springs as follows:

The following is an excerpt from the Village of Union Springs Zoning Law that shows the proposed amendments necessary to implement the LWRP. Note that existing text is shown in black and new language is shown in blue for clarification purposes.

15-5 PLANNING BOARD REVIEW OF PRELIMINARY SITE PLAN

A. The Planning Board shall review all preliminary site plans. The Planning Board's review shall include, as appropriate, but is not limited to, general consideration of the following:

(1) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls for parking, loading and drive-in facilities.

(2) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience. In general sidewalks shall be required along all dedicated roads on lots within 1,000 feet of a school, park or residential concentration.

(3) Location, arrangement, appearance and sufficiency of off-street parking and loading.

(4) Location, arrangement, size, design and general architectural and site compatibility of buildings, lighting, signs and landscaping.

(5) Waterfront development should assist in enhancing a waterfront character through compatible architectural styles, elements, details and materials. It should also provide landscape and hardscape areas that are designed as integral features of the land use and that promote a waterfront character.

(6) Adequacy of storm water calculation methodology and storm water and drainage facilities to eliminate off-site runoff and maintain water quality.

(7) Adequacy of water supply and sewage disposal facilities.

(8) Size, location, arrangement and use of required open space and adequacy of such open space to preserve scenic views and other natural features, to provide wildlife corridors and habitats, to provide suitable screening and buffering; and to provide required recreation areas.

(9) Suitability of proposed hours of operation.

(10) Protection of adjacent or neighboring properties against noise, glare, unsightliness or other similar nuisances.

(11) Adequacy of community services, including fire, ambulance and police protection, and on-site provisions for emergency services, including fire lanes and other emergency zones, fire hydrants and water pressure.

(12) Adequacy and unobtrusiveness of public utility distribution facilities, including those for gas, electricity, cable television and phone service. In general, all such utility distribution facilities shall be required to be located underground.

(13) Making provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary thereof.

(14) Conformance with the Union Springs Comprehensive Plan and other planning studies.

(15) Conformance with density, lot size, height, yard and lot coverage and all other requirements of district regulations.

(16) Historic considerations. In approving or disapproving applications that may involve a historic site, the Planning Board shall consider the principles below. For the purposes of this section, a historic site shall be defined as a parcel of real property or a structure which has local historical significance as identified in the Village's Comprehensive Plan; and which may be eligible for listing, or is already listed on the state or national register of historic places.

a. Every reasonable effort shall be made to provide a compatible use for an historic site that requires minimal alteration of the building, structure or site and its environment, or to use the historic site for its originally intended purpose.

b. The distinguishing original qualities or character of a building, structure, or site and its environment shall be retained. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that are incompatible shall be discouraged.

d. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized.

e. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials or historic landscape features shall be not undertaken.

h. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

VILLAGE OF UNION SPRINGS, NEW YORK
LOCAL LAW NO. 3 FOR THE YEAR 2020

A LOCAL LAW TO PROVIDE FOR THE SITING OF DOCK AND MOORING STRUCTURES IN CAYUGA LAKE WITHIN THE VILLAGE OF UNION SPRINGS.

Be it enacted by the Board of Trustees of the Village of Union Springs as follows:

Section 1: Title
This local law shall be known and may be cited as the "Village of Union Springs Dock and Mooring Law."

Section 2: Purpose
A. The purpose and intent of this local law is to:
   1. Regulate navigational access to Cayuga Lake, a navigable water of the State of New York and a resource that is held in public trust and owned by the State of New York, based on a set of standards that include, at a minimum:
      a. the length, dimensions and density of docks, moorings, and associated facilities
      b. the number of boats, or boat slips and moorings allowed per lineal foot of shoreline.
   2. Protect the public's interest in navigation, public access, fishing, swimming, environmental and aesthetic protection;
   3. Ensure parcel owners' reasonable navigational access to Cayuga Lake;
   4. Provide navigational access in a manner that minimizes overcrowding, congestion and hazards to navigation on Cayuga Lake;
   5. Regulate and restrict the manner of construction and location of dock and mooring facilities, associated facilities, and related structures constructed in or over the underwater lands of Cayuga Lake in a manner that is consistent with the laws and regulations of the State of New York and the United States within or bounding this municipality to a distance of 1,500 feet of the shoreline;
   6. Protect the public health, safety and welfare;
   7. Advance the orderly development of the Village of Union Springs consistent with the provisions of any and all local laws, regulations, or ordinances related to the land along the shoreline of Cayuga Lake.

Section 3: Authority and Applicability
A. In accordance with Section 46-a of the New York State Navigation Law and Section 922 of the New York State Executive Law, the Village of Union Springs has the authority to enact and enforce local laws to regulate the manner of construction and location of dock and mooring facilities, associated facilities, and related structures including related accessory uses in any waters of Cayuga Lake bounding or within such municipality to a distance of 1,500 feet from the shoreline.

B. Based on this authority any and all construction, expansion, suspension, installation, anchorage, replacement, alteration, modification, or enlargement of any dock and mooring facilities, related structures and associated facilities in the waters of Cayuga Lake bounded by or within the Village of Union Springs to a distance of 1,500 feet from the shoreline shall comply with the provision of this local law. Any structure including but not limited to boat houses, gazebos, decks, porches and shelters, not related to dock and mooring, or providing reasonable navigational access is prohibited waterside of the shoreline.

Section 4: Compliance with State and Federal Laws and Regulations
A. Activities and actions regulated under this local law may also be subject to other state and federal laws or regulations.

B. When more restrictive state or federal regulations or laws are applicable, they shall take precedence.

C. It is the responsibility of the parcel owner to obtain any and all state and federal permits that may be required. These include, but are not limited to, the following state and federal laws:

1. Other sections of NYS Navigation Law administered by the NYS Office of General Services.
2. Article 3 Navigation Law of the State Section 32-c. regarding hazards to navigation as administered by the NYS Office of Parks, Recreation and Historic Preservation,
3. Article 3 Navigation Law of the State NYS Navigation Law Section 35-a. Floating objects other than aids to navigation as administered by the NYS Office of Parks, Recreation and Historic Preservation, or
4. ECL Article 15; NYS Department of Environmental Conservation 6 NYCRR 608. Permits for Discharges of Dredged or Fill Material into Waters of the United States administered by the U.S. Army Corps of Engineers.

Section 5: Definitions

For the purposes of this law the following definitions apply:

Appendage: The portion of the dock that is attached to the main walkway.

Associated Facilities: Boat accessory structures, boat stations, boat hoists, and boat hoist structures.

Boat: Any vessel, floating craft, or personal watercraft which utilizes a dock or mooring facility including but not limited to canoes, rowboats, kayaks, sailboards, and other small boats or personal watercraft as defined in NYS Navigation Law Sec. 2 Subsection 30.

Boat Accessory Structure: An enclosed storage structure, the purpose of which is the storage of related boating accessories and shall have no utility service except electricity. A boat accessory structure shall not be defined to mean a boat hoist structure, boat station or boat house.

Boat Hoist: Any mechanical device the purpose of which is to remove the boat from the water for waterside storage and shall not have a roof.

Boat Hoist Structure: A seasonal open-sided structure placed in the water with an attached mechanical device to raise or lift a boat out of the water for waterside storage. A boat hoist structure shall not be defined to mean a boat station, boat house or boat accessory structure.

Boat House: A permanent enclosed structure that provides direct water or rail access for boats, and is wholly or partially supported or constructed below the shoreline. A boat house has a permanent roof and one or more enclosed sides and shall have no utility service except electricity. A boat house shall not be defined to mean a boat hoist structure, boat station or boat accessory structure.

Boat Slip: A waterside storage area adjoining or within any structure, boat hoist structure, boat station, dock or pier, the purpose for which is the storage of a boat.

Boat Station: A permanent open-sided structure with a roof, constructed in the water, with a mechanical device, the purpose of which is to raise or lift a boat out of the water for waterside storage. A boat station is intended as a permanent boat hoist structure. A boat station shall not be defined to mean a boat hoist structure, boathouse, or boat accessory structure.

Dock: Any permanent or seasonal structure, fixed platform built on floats, columns, open timber, piles, or similar open-work supports, or, cantilevered structures that are designed to provide permanent or seasonal access from the shoreline to Cayuga Lake.

Dock and Mooring Facility: One or more structures, docks, mooring buoys or a combination thereof, associated with an adjoining parcel used for the dock or mooring of boats.

Dock and Mooring Permit: A permit issued according to the requirements of this local law.

Enforcement Officer: The official designated by the legislative body of this locality to enforce the provisions of this local law.

Height: The vertical distance measured from the shoreline to the highest portion of the building or structure.

Lineal Feet of Shoreline: Length, in feet, of the land adjacent to, but not in, the water on a particular parcel of land.

Main Walkway: The section of the dock that extends from the shoreline toward the center of the lake.

Marina: A facility that provides dock and/or mooring facilities and associated land based support facilities such as parking, marine fueling, restrooms, marine dump station, and incidental sales and services.

Mooring Buoy: A floating object anchored to the bed of the lake to which a boat could be attached for waterside storage. A mooring buoy is considered a boat slip for the allotment of dock and mooring facilities.

Ordinary High Water Mark: That line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Permanent: The type of construction for any dock, boat station, structure, or boat accessory structure that is anchored to the bed of the lake and is not designed to be removed each season.

Seasonal: The type of construction for any dock, boat hoist, or structure that is designed to be removed on an annual basis.

Shoreline: The boundary of lands adjoining the lake, and is the line marked by the Ordinary High Water Mark.

Structure: Anything constructed, erected, anchored, suspended, placed in, on or above, or, any object constructed, erected, anchored, suspended, or placed on the water side of the shoreline.

Waterside: The lake side of the shoreline.

Section 6: Dock and Mooring Regulations

A. Dock and mooring structures, as accessory structures, for commercial properties shall be permitted in accordance with Article VII, Section 7-1,f,(1),e of the Village of Union Springs Zoning Law.

B. Allocation of Dock and Mooring Facilities. The number of dock or mooring facilities that may be constructed for individual private residential properties shall be based upon lineal footage of shoreline, as set forth in Table 1 below; and the following:

1. A parcel owner may distribute the permitted number of boat slips between boat slips and mooring buoys.
2. The number of mooring buoys shall not exceed the total number of boat slips permitted for the parcel and their placement must conform to the dimensional criteria contain in subparagraph D below.
3. The boat storage capacity of existing boat stations shall be included in the total number of permitted boat slips.

TABLE 1- DOCK AND MOORING ALLOCATION		
Lineal Feet of Shoreline Category	**Number of Boat Slips**	**Number of Docks**
A. 25' to 50'	1	1
B. 50.01' to 100'	2	1
C. 100.01' to 150'	3	1
D. 150.01' to 200'	4	2
E. 200.01' +	4 +1 slip for every 50 feet of shoreline in excess of 200.01'	2 +1 additional dock for every 100 feet of shoreline in excess of 200.01'

C. Allocation of Associated Facilities. Boat accessory structures, boat stations, boat hoists, and boat hoist structures are Associated Dock and Mooring Facilities and are allocated and subject to the design standards as set forth in Table 2 below.

1. Boat House. No boat house or similar structure shall be placed on the waterside end of a dock or extend beyond the end of a dock in a manner which would effectively extend the overall length of the dock beyond the maximum length as permitted in subparagraph D below.
2. Boat Hoist Structure: One boat hoist structure is allowed for each boat slip.
3. Boat Station: A boat station is designed for use as a permanent boat hoist structure. Only one boat stations is allowed per parcel. For parcels where more than one boat slip is allowed, the boat station is limited to two boat slips. No boat station may be used as a dwelling, sleeping, lodging, or boarding place.
   a. A boat station may be substituted for one boat hoist structure where more than one boat slip is allowed.
   b. The following additional design standards are applicable to boat accessory structures:
      i. The boat accessory structure shall not exceed 120 square feet, and 10 feet in height as measured from the top of the deck of the dock or pier. The 120 square feet is measured by the area enclosed by the exterior wall of the structure.
      ii. A 12 inch roof overhang is allowed. Any area covered by a roof overhang in excess of 12 inches is allowed only if it has been included in the 120 square feet accessory structure allowance.
      iii. If any or all of the area of the boat accessory structure is located on the land side of the shoreline, such area of the boat accessory structure is to be included in the square foot dock allowance.
      iv. The boat accessory structure shall be constructed as close to the shoreline as possible. No part of the structure may extend beyond twenty (20) feet of the waterside of the shoreline.

TABLE 2- DESIGN STANDARDS FOR ASSOCIATED FACILITIES

	Number of Stories/ Levels/Floors	Roof Permitted	Roof Slope	Sides Permitted	Height
Boat Hoist Structure	1	Yes	Not applicable	No	≤ 10' above the deck of the dock or pier.
Boat Station	1	Yes	Not less than 3 and 12 or more than 4 and 12	No	≤ 10' above the deck of the dock or pier.
Note: No associated facility may have a second floor/level/story /deck.					

D. Design standards for Docks, Moorings, and Associated Facilities.

1. Docks and moorings along with any boat house, boat hoist, or boat station that is attached to or placed adjacent to such dock, or a vessel docked or moored thereto, shall be located such that no part of the aforementioned structures are less than ten (10) feet from side lot lines extended into the lake on either side of the subject property perpendicular to the shoreline.
2. Docks and moorings, along with any boat house, boat hoist, or boat station that that is attached to or placed adjacent to such dock, or a vessel docked or moored thereto, shall be centered as a unit between side lot lines for parcels with twenty-five (25) feet or less of shoreline; and these structures shall also be placed in such a manner as to not interfere with neighboring property owner's navigational rights.
3. Mooring buoys shall be anchored so that the moored vessel is at all times within the side lot line spacing requirements for docks and moorings as provided in subparagraphs D, 1 and 2 above; and so as not to interfere with neighboring property owner's navigational rights.

4. No dock and mooring permit may be issued for mooring buoys that extend beyond forty (40) feet as measured from the shoreline without receipt of a permit from the NYS Office of Parks, Recreation and Historic Preservation as authorized under Article 3 Navigable Waters of the State of New York §35-a or any successor laws or amendments.
5. Dimensional Requirements. Dock construction shall not exceed the following maximum dimensional criteria:
    a. Each permitted dock shall not exceed a total of eight-hundred (800) square feet, including walkways and appendages. For the purposes of this section, width is measured parallel to the shoreline; length is measured perpendicular to the shoreline.
        i. The main walkway of the dock is the section of the dock that extends from the shoreline toward the center of the lake. The main walkway shall not exceed a maximum width of eight (8) feet.
        ii. The length of the portion of the main walkway that extends from the shoreline towards the center of the lake shall be no greater than forty (40) feet.
        iii. No part of the dock or associated structures and equipment shall extend beyond a line which is forty (40) feet from the shoreline.
        iv. The use of fingers, "T" or "L" shaped appendages are permitted in any configuration from the main walkway of the dock to form boat slip spaces.
        v. For parcels where two or more docks are permitted, the docks shall be separated by at least ten (10) feet.

Section 7: Permit Requirements for Docks, Moorings and Associated Facilities

A. A dock and mooring permit must be obtained prior to construction of any permanent dock, mooring, or associated facilities. A Certificate of Compliance shall be issued after satisfactory inspection of the dock and mooring facility by the Enforcement Officer and prior to the use of the any of the dock and mooring facilities.

B. An application for a dock and mooring permit shall only be made to the Enforcement Officer by the parcel owner or its authorized agent.

C. The Village of Union Springs shall specify the form and content of the application and accompanying permits for a dock and mooring permit.

D. The Enforcement Officer shall require any necessary documentation for the location of any existing and/or proposed structures associated with the application and its review.

E. Any use or structure on the land side of the shoreline not regulated under this law, including those that are or proposed to be attached to a dock or associated facility or structure, are subject to the provisions of the Village of Union Springs Zoning Law and/or other applicable local laws, regulations or ordinances.

F. All other state and federal approvals or permits must be obtained before a dock and mooring permit is issued.
    1. If a state or federal permit requires issuance of a dock and mooring permit, the Enforcement Officer may issue a conditional dock and mooring permit based on receipt of applicable state or federal permit.

G. Permit requirements for seasonal docks, moorings, and associated structures.
    1. Seasonal dock and mooring facilities are subject to all applicable requirements of this law.
    2. The Enforcement Officer shall require an owner to either obtain a Certificate of Conformity or provide a Certificate of Non-Conformity for a facility installed prior to the adoption of this law.
    3. A dock and mooring permit issued for a seasonal dock or mooring facility does not need to be reissued each time the facility is reinstalled, provided that such facility is installed each year and is in compliance with the original approval, and any conditions made thereto.

Section 8: Nonconforming Dock and Mooring Facilities, Structures, and Uses

A. Generally, no property owner is entitled to nonconforming use protection concerning the location of docks or moorings because such are not permanent structures. This Local Law shall not apply to any permanent structure, no part of which is ordinarily removable, that was constructed prior to the adoption of this Local Law. No additions or alterations may be made to any such structure that is not in conformance with this Local Law.

Section 9: Appeals and Variances

A. The Village of Union Springs Zoning Board of Appeals shall have the power and jurisdiction to:

1. Hear an appeal of any order, requirement, decision, interpretation, or determination made by the Enforcement Officer as it pertains to this local law; and
2. Upon appeal from the decision or determination of the Enforcement Officer, grant an area variance according to the provisions and limitations of this section.

B. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination made by the Enforcement Officer upon appeal, and, may make such an order, requirement, decision, or interpretation as in its opinion should have been made in the matter by the enforcement official only based on the requirements and limitations set forth in D. of this section.

C. Any person aggrieved by any order, requirement, decision, or determination of the Enforcement Officer may appeal to the Zoning Board of Appeals under the provisions of this Section.

D. To maintain a set of standards for the regulation of docks and moorings as is permitted by Section 46-a of the New York State Navigation Law and Section 922 of the New York State Executive Law, the power to grant variances by the Zoning Board of Appeals is limited to area variances from setbacks and dock configuration requirements.

1. Setbacks from lot lines and/or dock configuration may be varied for the following purposes only:
   a. To provide safe navigational access; or
   b. To minimize adverse environmental impacts on Cayuga Lake and its watershed.
2. Under no circumstances shall the following allocations or any use(s) established under this local law be varied:
   a. Increasing the number of slips and moorings;
   b. The number of docks;
   c. The square footage of the dock(s);
   d. The number or use of associated facilities; or
   e. Modify the size or use of boat accessory structures.

E. The Zoning Board of Appeals, in the granting of an area variance, shall grant the minimum variance that it shall deem necessary and adequate to meet the purposes set forth in D, 1 of this section.

1. The Zoning Board of Appeals shall have the authority to impose such reasonable conditions and restrictions as are directly related to furthering the purposes established in D, 1 of this section.

F. The Zoning Board of Appeals shall follow the procedures set forth in §7-712-a. of NYS Village Law, as may be amended from time to time.

Section 10: Severability

Should any section or provision of this local law be determined by any court to be unconstitutional or invalid, such decision shall not affect the validity of this local law as a whole or any part thereof other than the part(s) so decided to be unconstitutional or invalid.

Section 11: Fees
The Village of Union Springs Village Board of Trustees may, by resolution, establish appropriate fees for the review and processing of the permits under this local law.

Section 12: Violations and Penalties
Violations of this local law shall be remedied according to the violation and penalty section of the Village of Union Springs Zoning Law and pursuant with §7-714 of NYS Village Law. In addition, other local and state laws may apply, including the New York State Navigation Law.

Section 13: Effective Date
This local law shall take effect upon adoption by the Village of Union Springs Village Board of Trustees as provided by law and ten (10) days after filing with the Secretary of State.

VILLAGE OF UNION SPRINGS, NEW YORK
LOCAL LAW NO. 4 FOR THE YEAR 2020

VILLAGE OF UNION SPRINGS
STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL LAW

Be it enacted by the Board of Trustees of the Village of Union Springs as follows:

Article 1. General Provisions

Section 1. Findings of Fact

It is hereby determined that:

1.1 Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which may cause flooding, stream channel erosion, or sediment transport and deposition;

1.2 This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat and an increase in water temperature which are detrimental to fish and other desirable species;

1.3 Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;

1.4 Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;

1.5 Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;

1.6 Substantial economic losses can result from the adverse impacts of stormwater runoff on the waters of the municipality;

1.7 Stormwater runoff, soil erosion, and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;

1.8 The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety;

1.9 Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development which is more compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development;

1.10 Climate change and the increased risk of severe storms with the capacity to increase stormwater runoff and soil erosion pose a significant threat to a community's sustainability and the safety of its citizens through potential increases in pollution of its waterways and damage to infrastructure, economic assets, and natural resources;

1.11 Green infrastructure is an effective and desirable method to reduce impacts from stormwater runoff and should be implemented in order to restore natural hydrologic regimes, increase infiltration, slow runoff, and protect communities from the risks associated with stormwater runoff and soil erosion;

1.12 Stream buffers and vegetated floodplains treat stormwater, improve water quality, reduce floodwater velocity, and provide a right-of-way for flood events; and

1.13 Fitting the development design to the terrain and avoiding steep slopes, floodplains, and wetlands helps to preserve the natural hydrology and drainage ways of a site; reduces the need for grading and land disturbance, and provides a framework for site design and layout.

Section 2. Purpose

The purpose of this local law is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section 1 hereof. This local law seeks to meet those purposes by achieving the following objectives:

2.1 Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

2.2 Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

2.3 Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable;

2.4 Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure these management practices are properly maintained and eliminate threats to public safety;

2.5 Encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, maintaining natural hydrology, and using runoff reduction techniques to the maximum extent practicable;

2.6 Adapt to current and projected climate change impacts, decrease risk of storm-related flooding, and increase resilience to severe storm surge;

2.7 Reduce the impact on the environment, protect water quality, reduce the potential for erosion and protect sensitive habitats by locating development away from floodplains, ecologically sensitive areas, and permeable soils, and limiting the amount of clearing and grading;

2.8 Meet the requirements of minimum measures 4 and 5 of the most current version of the New York State Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s);

2.9 Require land development activities to conform to the substantive requirements of the most current version of the SPDES General Permit for Stormwater Discharges from Construction Activities;

Section 3. Statutory Authority

In accordance with Article 2, Section 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of Union Springs has the authority to enact local laws and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law relating to its property, affairs or government, for the purpose of promoting the health, safety, or general welfare of the Village of Union Springs and for the protection and enhancement of its physical environment. The Board of Trustees of the Village of Union Springs may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer, and enforce such local law.

Section 4. Applicability

4.1 This local law shall be applicable to all land development activities as defined in this local law, Article 2, Section 1, "Land Development Activity" located within the boundaries of the Waterfront Revitalization Area as defined and depicted in the Village of Union Springs Local Waterfront Revitalization Program.

4.2 The municipality may designate a Stormwater Management Officer who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The Stormwater Management Officer may (1) review the plans, (2) upon approval by the Board of Trustees of the Village of Union Springs, engage the services of a registered professional engineer to review the plans, specifications and related

documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

4.3 All land development activities subject to review and approval by the Planning Board of the Village of Union Springs under subdivision, site plan, and/or special permit regulations shall be reviewed subject to the standards contained in this local law.

4.4 All land development activities not subject to review as stated in Section 4.3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this law.

Section 5. Exemptions

The following activities may be exempt from review under this law.

5.1 Agricultural activity as defined in this local law.

5.2 Exempt silvicultural activity as defined in this local law.

5.3 Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.

5.4 Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.

5.5 Cemetery graves.

5.6 Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.

5.7 Emergency activity immediately necessary to protect life, property, or natural resources.

5.8 Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

5.9 Landscaping and horticultural activities in connection with an existing structure.

Article 2. Erosion and Sediment Control and Stormwater Management

Section 1. Definitions

The terms used in this local law or in documents prepared or reviewed under this local law shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, the construction of a barn or other agricultural building, silo, stockyard or pen, or structural practices identified in Table II in the Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State.

Applicant - a property owner or agent of a property owner who has filed an application for a land development activity.

Building - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

Channel - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clearing - any activity that removes the vegetative surface cover.

Dedication - the deliberate appropriation of property by its owner for general public use.

Department - the New York State Department of Environmental Conservation.

Design Manual - the New York State Stormwater Management Design Manual most recent version including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

Developer - a person who undertakes land development activities.

Erosion Control Manual - the most recent version of the "New York State Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

Floodplain - Land area adjacent to a river, stream, lake, estuary, or other water body that is subject to flooding. This area, if left undisturbed, acts to store excess floodwater.

Floodplain, 100-year – The area adjoining a river, stream, or watercourse covered by water in the event of a 100-year flood. The 100-year flooding event is the flood having a 1 percent chance of being equaled or exceeded in magnitude in any given year.

Floodplain, 500-year - The area adjoining a river, stream, or watercourse covered by water in the event of a 500-year flood. The 500-year flooding event is the flood having a 0.2% percent chance of being equaled or exceeded in magnitude in any given year.

Floodway - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Grading - excavation or fill of material, including the resulting conditions thereof.

Green Infrastructure - Green infrastructure approaches infiltrate, evapotranspire or reuse stormwater, using soils and vegetation rather than hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains.

Hydrologic Soil Group (HSG) – A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups.

Impervious Cover - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

Industrial Stormwater Permit - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration - the process of percolating stormwater into the subsoil.

Land Development Activity - construction activity including clearing, grading, excavating, regulated silvicultural activity, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that are part of a larger common plan of development or sale, and will occur under one plan.

Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

Mean High Water Mark - the average annual high water level.

Nonpoint Source Pollution - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Ordinary High Water Mark - that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Phasing - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

Pollutant of Concern - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

Project - land development activity.

Qualified Inspector - a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), Registered Landscape Architect, or other Department endorsed individual. It can also mean someone working the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has received Department-endorsed training in the principles and practices of erosion and sediment control.

Recharge - the replenishment of underground water reserves.

Riparian - Belonging or related to the bank of a water body, including rivers, streams, wetlands, lakes, ponds, or impoundments.

Riparian Buffer - A vegetated area, including trees, shrubs, and herbaceous vegetation, adjacent to a water body.

Runoff Reduction Volume (RRv) - Reduction of the total Water Quality Volume (WQv) by application of runoff reduction techniques and standard Stormwater Management Practices (SMPs) with RRv capacity to replicate predevelopment hydrology.

Sediment Control - measures that prevent eroded sediment from leaving the site.

Sensitive Areas -cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, wetlands, habitats for threatened, endangered or special concern species, highly erodible soils and/or soils with slopes greater than 15 percent, 100- and 500-year floodplains, unique geological features, mature forests.

Silvicultural Activity - Exempt - activities related to the dedicated and cyclic use of land for the periodic production of timber that have limited potential to cause soil disturbance, including tree nursery operations, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control.

Silvicultural Activity - Regulated - activities related to the dedicated and cyclic use of land for the periodic production of timber that have the potential to cause soil disturbance, including harvesting operations such as felling, skidding, and clear-cutting; surface drainage; harvest related road construction and maintenance; site preparation for forest regeneration; or the processing, sorting, or storing of harvested timber which has been transported from one or more active harvesting sites. Tree removal in preparation for development or other conversion to a non-forestry use is not silviculture.

SPDES General Permit for Stormwater Discharges from Construction Activities - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land, most current version.

SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards, most current version.

Stabilization - the use of practices that prevent exposed soil from eroding.

Stop Work Order - an order issued which requires that all construction activity on a site be stopped.

Stormwater -rainwater, surface runoff, snowmelt and drainage.

Stormwater Hotspot - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

Stormwater Management - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

Stormwater Management Facility - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

Stormwater Management Officer - an employee or officer appointed or designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

Stormwater Management Practices (SMPs) - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater Pollution Prevention Plan (SWPPP) -a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation.

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Temporarily Ceased - means that an existing disturbed area will not be disturbed again within 14 calendar days of the previous soil disturbance.

Trained Contractor - an employee from the contracting (construction) company that will be responsible for implementing the SWPPP, who has received four (4) hours of Department endorsed training in proper erosion and sediment control principles. After receiving the initial training, the trained contractor shall receive four (4) hours of training every three (3) years. It can also mean an employee from the contracting (construction) company that meets the qualified inspector qualifications.

Water Quality Volume (WQV) - The storage needed to capture and treat 90% of the average annual stormwater runoff volume.

Watercourse - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.

Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and is regulated by federal, state or local laws.

Section 2. Stormwater Pollution Prevention Plans

2.1. General Stormwater Pollution Prevention Plan Requirements

2.1.1 No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this local law.

2.1.2 The applicant or developer must keep the SWPPP current so that it at all times accurately documents the erosion and sediment controls practices that are being used or will be used during construction, and all post-construction stormwater management practices that will be constructed on the site. At a minimum, the applicant or developer shall amend the SWPPP:

1. Whenever the current provisions prove to be ineffective in minimizing pollutants in stormwater discharges from the site;
2. Whenever there is a change in design, construction, or operation at the construction site that has or could have an effect on the discharge of pollutants; and
3. To address issues or deficiencies identified during an inspection by the qualified inspector, the Department, or other regulatory authority.

2.2 Contents of Stormwater Pollution Prevention Plans

2.2.1 All SWPPPs shall provide the following background information and erosion and sediment controls:

1. Background information about the scope of the project, including location, type and size of project;
2. Site map/construction drawing(s) for the project, including a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s) and classification information if available; 100-year floodplain and floodway boundaries; wetlands and drainage patterns that could be affected by the construction activity; existing and final contours; location of different soil types with boundaries; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s); and construction staging areas. To the extent practicable construction staging areas should be limited to previously disturbed areas or areas with compacted or poorly infiltrating soils;
3. The site map shall also identify sensitive areas including slopes greater than 15 percent; 500-year floodplains; unique geological features; locations of significant natural communities including endangered, threatened or rare plant and animal species; mature forests; and a tree conservation plan identifying all existing trees 12" diameter at breast height (dbh) or greater and identifying the extent of tree clearing and preservation measures;
4. Description of the soil(s) present at the site, including an identification of the hydrologic soil group (HSG) and soil erosion factor;
5. Construction phasing plan and sequence of operations describing the intended order of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York State Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless the Village of Union Springs has approved the SWPPP and provided written authorization to the applicant or developer for the disturbance;
6. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
7. Description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing

of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented;

8. Temporary and permanent soil stabilization plan that meets the requirements of the most current version of the Erosion Control Manual for each stage of the project, including initial land clearing and grubbing to project completion and achievement of final stabilization;
9. A site map/construction drawing(s) showing the specific location(s), size(s) and length(s) of each erosion and sediment control practice;
10. Dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils;
11. Maintenance inspection schedule for the contractor(s) that will be responsible for installing, constructing, repairing, inspecting, and maintaining the erosion and sediment control practices in the SWPPP to ensure continuous and effective operation of the practices. The maintenance inspection schedule shall be in accordance with the most current version of the Erosion Control Manual;
12. Description and location of any stormwater discharges associated with industrial activity at the site including, but not limited to, stormwater discharges from asphalt plants and concrete plants located on the construction site;
13. Identification of any elements of the design that are not in conformance with design criteria in the most current version of the Erosion Control Manual. Include the reason for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard; and
14. If 5 acres or more will be disturbed at any one time, the SWPPP must include a phasing plan that defines maximum disturbed area per phase and shows required cuts and fills.

2.2.2 Land development activities as defined in Section 1 of this Article that disturb one or more acres of land and are listed in sub-sections 1 through 24 below24 shall also include water quantity and water quality controls (post-construction stormwater runoff controls) designed in accordance with the most current version of the New York State Stormwater Management Design Manual:

1. Single-family residential subdivisions that involve soil disturbances of between one (1) and five (5) acres of land with greater than 25% total impervious cover at total site build-out;
2. Single-family residential subdivisions that involve soil disturbances of five (5) or more acres of land, and single-family residential subdivisions that involve soil disturbances of less than five (5) acres that are part of a larger common plan of development or sale that will ultimately disturb five or more acres of land;
3. Multifamily residential developments, including townhomes, condominiums, senior housing complexes, apartment complexes, and mobile home parks;
4. Airports;
5. Amusement parks;
6. Campgrounds;
7. Cemeteries that include the construction or reconstruction of impervious area that is greater than 5% of the disturbed area, or alter the hydrology from pre- to post- development conditions;
8. Commercial developments;
9. Churches and other places of worship;

10. Construction of a barn or other agricultural building (e.g., silo) and structural practices as identified in Table II in the Agricultural Management Practices Catalog for Nonpoint Source Pollution in New York State that include the construction or reconstruction of impervious area, excluding projects that involve soil disturbances of less than five acres;
11. Golf courses;
12. Institutional facilities, including hospitals, prisons, schools and colleges;
13. Industrial facilities, including industrial parks;
14. Landfills;
15. Municipal facilities; including highway garages, solid waste transfer stations, office buildings, sewage treatment plants and water treatment plants;
16. Office complexes;
17. Sports complexes;
18. Racetracks, includes racetracks with earthen (dirt) surface;
19. Road construction or reconstruction;
20. Parking lot construction or reconstruction;
21. Athletic fields (natural grass) that include the construction or reconstruction of impervious area (greater than 5% of disturbed area) or alter the hydrology from pre-development to post-development conditions;
22. Athletic fields with artificial turf;
23. Permanent access roads or parking areas surfaced with impervious cover, and substations constructed as part of an overhead electric transmission line project, wind power project or cell tower project; and
24. All other construction activities, not listed above, that include the construction or reconstruction of impervious area and alter the hydrology from pre-development to post-development conditions.

2.2.3 Requirements for SWPPPs that include post-construction stormwater controls:

1. All information in Section 2.2 .1 of this local law;
2. Documentation that the stormwater management planning process using green infrastructure has been followed as required in the Design Manual using the stormwater management practices in Schedules A1, A2, and A3. The planning process steps are as follows:
   i. Prepare an initial site plan that preserves natural features, reduces impervious cover, and avoids siting land development activities in riparian buffers, floodplains, wetlands, shorelines, coastal erosion hazard areas, and on steep slopes using the green infrastructure practices in Schedule A1 and the evaluation process in the Design Manual. Delineate riparian buffers according to the following criteria: The riparian buffer area shall extend a minimum total width of one hundred (100) feet from the edge of a water body as shown by the (ordinary high water mark/mean high water mark), or shall equal the extent of the 100-year floodplain, whichever is greater.
      a. Delineate 100-year and 500-year floodplains as shown on the most recent maps prepared by the Federal Emergency Management Agency as refined by more detailed studies that may have been conducted by state, regional or local agencies
      b. Delineate Coastal Erosion Hazard Areas as shown on the most recent maps prepared by the NYS Department of Environmental Conservation.
   ii. Determine the Water Quality Volume (WQv) using the sizing criteria in the Design Manual;

iii. Apply runoff reduction techniques to reduce total WQv using the green infrastructure practices in Schedule A2 and standard stormwater management practices with runoff reduction capacity as described in Schedule A3 and using the sizing and performance criteria in the Design Manual;

iv. Determine the minimum runoff reduction volume (RRv) needed using the sizing criteria in the Design Manual;

v. Apply standard stormwater management practices in Schedule A3 to address remaining WQv using the sizing and performance criteria in the Design Manual;

vi. Apply volume and peak rate control practices only if still needed to meet the requirements in the Design Manual.

3. Description of each post-construction stormwater management practice to be constructed as part of the project. Include the dimensions, material specifications and installation details for each post-construction stormwater management practice;
4. Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
5. Stormwater modeling and analysis report that includes:
   i. Map(s) showing pre-development conditions, including watershed/subcatchments boundaries, flow paths/routing, and design points;
   ii. Map(s) showing post-development conditions, including watershed/subcatchments boundaries, flow paths/routing, design points and post-construction stormwater management practices;
   iii. Results of stormwater modeling (i.e. hydrology and hydraulic analysis) for the required storm events. Include supporting calculations (model runs), methodology, and a summary table that compares pre- and post-development runoff rates and volume for the different storm events;
   iv. Summary table, with supporting calculations, which demonstrates that each post-construction stormwater management practice has been designed in conformance with the sizing criteria included in the Design Manual;
   v. Identification of any sizing criteria that is not required based on the requirements in the SPDES General Permit for Stormwater Discharges from Construction Activities; and
   vi. Identification of any elements of the design that are not in conformance with the performance criteria in the Design Manual. Include the reason(s) for the deviation or alternative deign and provide information which demonstrates that the deviation of alternative design is equivalent to the Design Manual.
6. Soil testing results and locations (test pits, borings);
7. Infiltration test results, as required in the Design Manual for green infrastructure and stormwater management practices that involve infiltration;
8. Operations and maintenance plan that includes inspection and maintenance schedules and actions to ensure continuous and effective operation of each post-construction stormwater management practice. The plan shall identify the entity that will be responsible for the long-term operation and maintenance of each SMP.
9. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.
10. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 2, Section 4 of this local law.

11. All SWPPPs that include post-construction controls shall be prepared by a registered landscape architect, professional engineer licensed in the State of New York, or other individual endorsed by the Department that is knowledgeable in the principles and practices of stormwater management and treatment and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this local law.
12. If amendments or modifications are made to the post-construction controls listed in this section after the SWPPP is approved, the applicant or developer shall notify the Stormwater Management Officer in writing. The SWPPP amendments or modifications must be reviewed and accepted by the Stormwater Management Officer prior to commencing construction of the post-construction stormwater management practice.

2.3 Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

2.4 Contractor Certification

2.4.1 Each contractor and subcontractor identified by the applicant or developer as being responsible for installing, construction, repairing, inspecting and maintaining the erosion and sediment control practices included in the SWPPP and the post-construction stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: *"I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan and agree to implement any corrective actions identified by the qualified inspector during a site inspection. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."*

2.4.2 The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

2.4.3 The certification statement(s) shall become part of the SWPPP for the land development activity.

2.5 Document Retention

A copy of the SWPPP and all documentation necessary to demonstrate compliance with this local law shall be retained at the site of the land development activity from the date of initiation of construction activities until all disturbed areas have achieved final stabilization. The documents must be maintained in a secure location, such as a job trailer, on-site construction office, or mailbox with lock. The secure location must be accessible during normal business hours to an individual performing a compliance inspection.

Section 3. Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

3.1 Technical Standards

For the purpose of this local law, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

3.1.1 The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

1. Stormwater management practices must be selected, designed, installed, and maintained to meet the performance criteria in the most current version of the Design Manual using sound engineering judgment.
2. Stormwater management practices must be designed to meet the applicable sizing criteria in the most current version of the Design Manual.

3.1.2 New York State Standards and Specifications for Erosion and Sediment Control, (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Erosion Control Manual).

3.2 Equivalence to Technical Standards

3.2.1 Where erosion and sediment control measures are not designed in conformance with the design criteria included in the Erosion Control Manual, the applicant or developer must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standards set forth in Article 2, Section 3.1.

3.2.2 Where post-construction stormwater management practices are not designed in conformance with the performance criteria in the Design Manual, the applicant or developer must include in the SWPPP the reason(s) for the deviation or alternative design and provide information which demonstrates that the deviation or alternative design is equivalent to the technical standard.

3.3 Performance Standards

3.3.1 The applicant or developer shall minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters using clean water only. Soaps, detergents, and solvents shall not be used.

3.3.2 The applicant or developer shall minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).

3.3.3 The applicant or developer shall prevent the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

3.3.4 Where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within fourteen (14) days from the date the current soil disturbance activity ceased. If five acres or more have been disturbed at one time and soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. The soil stabilization measures selected shall be in conformance with the Erosion Control Manual.

Section 4. Maintenance, Inspection and Repair of Stormwater Facilities

4.1 Maintenance During Construction

4.1.1 The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this local law. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

4.2 Inspection of Land Development Activities During Construction

4. 2.1 The applicant or developer shall have a trained contractor inspect all erosion and sediment control practices and pollution prevention measures being implemented within the active work area of the land development activity daily to ensure they are being maintained in effective operating condition at all times. If deficiencies are identified, the contractor shall begin implementing corrective actions within one business day and shall complete the corrective actions within a reasonable time frame.

4.2.2 For all land development activities except for those listed in 4.2.3, the applicant shall have a qualified inspector conduct site inspections and document the effectiveness of all erosion and sediment control practices at least once every seven (7) calendar days. Inspection reports shall be maintained in a site log book.

4.2.3 The following activities are subject to the requirements in 4.2.1 but are exempt from the requirements in 4.2.2:

1. Construction on agricultural property that involves soil disturbance of one (1) or more but less than five (5) acres of land.
2. Construction of a single-family subdivision with 25% or less impervious cover at total site build-out that involves soil disturbance of one (1) or more but less than five (5) acres of land.
3. Construction of a single-family home that involves soil disturbance of one (1) or more but less than five (5) acres of land.

4.2.4 Land development activities where the applicant or developer has received authorization from the Department to disturb five acres or more at any one time shall be inspected by a qualified inspector twice every 7 days. The two inspections shall be separated by a minimum of two full calendar days complete the corrective actions within a reasonable time frame.

4.3 Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Union Springs to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this local law. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Union Springs.

4.4 Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this law shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

4.4.1 A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this law.

4.4.2 Written procedures for operation and maintenance and training new maintenance personnel.

4.4.3 Discharges from the SMPs shall not exceed design criteria.

4.5 Maintenance Agreements

The Village of Union Springs shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this local law entitled Sample Stormwater Control Facility Maintenance Agreement. The Village of Union Springs, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this local law, and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Section 5. Severability and Effective Date

5.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

5.2 Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

Article 3. Administration and Enforcement

Section 1. Construction Inspection

1.1 Erosion and Sediment Control Inspection

The Village of Union Springs Stormwater Management Officer may perform inspections as necessary to determine compliance with this law. If deficiencies or violations are found, the Stormwater Management Officer shall notify the applicant and/or developer in writing of the nature of the deficiency or violation and any required corrective actions. No further work shall be conducted except for site stabilization until the deficiencies or violations are corrected and all work previously completed has received approval by the Stormwater Management Officer.

The applicant and/or developer shall grant to the Village of Union Springs the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspecting the land development activity and erosion and sediment controls being used.

1.2 Stormwater Management Practice Inspections

The Village of Union Springs Stormwater Management Officer, is responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit “as built” plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

1.3 Inspection of Stormwater Facilities After Project Completion

Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

1.4 Submission of Reports

The Village of Union Springs Stormwater Management Officer may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

1.5 Right-of-Entry for Inspection

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public storm water system, the landowner shall grant to the Village of Union Springs the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in paragraph 1.3.

Section 2. Performance Guarantee

2.1 Construction Completion Guarantee

In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Union Springs in its approval of the Stormwater Pollution Prevention Plan, the Village of Union Springs may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Union Springs as the beneficiary. The security shall be in an amount to be determined by the Village of Union Springs based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Union Springs provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of Union Springs. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

2.2 Maintenance Guarantee

Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Union Springs with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Union Springs may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

2.3 Record Keeping

The Village of Union Springs may require entities subject to this law to maintain records demonstrating compliance with this law.

Section 3. Enforcement and Penalties

3.1 Notice of Violation

When the Village of Union Springs determines that a land development activity is not being carried out in accordance with the requirements of this local law, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

3.1.1 The name and address of the landowner, developer, or applicant;

3.1.2 The address when available or a description of the building, structure, or land upon which the violation is occurring;

3.1.3 A statement specifying the nature of the violation;

3.1.4 A description of the remedial measures necessary to bring the land development activity into compliance with this local law and a time schedule for the completion of such remedial action;

3.1.5 A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

3.1.6 A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

3.2 Stop Work Orders

The Village of Union Springs may issue a stop work order for violations of this law. Persons receiving a stop work order shall be required to halt all land development activities, except those activities that address the violations leading to the stop work order. The stop work order shall be in effect until the Village of Union Springs confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this local law.

3.3 Violations

Any land development activity that is commenced or is conducted contrary to this local law, may be restrained by injunction, or otherwise abated in a manner provided by law.

3.4 Penalties

Any violation of the provisions of this law shall be punishable by a civil fine not to exceed $1,000. Each week's continuing violation shall constitute a separate violation. The Village Attorney is authorized and directed to cooperate with the Code Enforcement Officer to institute any and all actions and proceedings necessary to enforce this law. Any civil remedy shall be in addition to and not in lieu of any criminal prosecution or penalty.

3.5 Withholding of Certificate of Occupancy

If any building or land development activity is installed or conducted in violation of this local law the Stormwater Management Officer may prevent the occupancy of said building or land.

3.6 Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Union Springs may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

Section 4. Fees for Services

The Village of Union Springs may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Union Springs or performed by a third party for the Village of Union Springs.

Schedule A1

Green Infrastructure Planning General Categories and Specific Practices (From: New York State Stormwater Management Design Manual, Table 3.1)		
Group	**Practice**	**Description**
Preservation of Natural Resources	Preservation of Undisturbed Areas	Delineate and place into permanent conservation easement undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain.
	Preservation of Buffers	Define, delineate, and place in permanent conservation easement naturally vegetated buffers along perennial streams, rivers, shorelines, and wetlands.
	Reduction of Clearing and Grading	Limit clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities.
	Locating Development in Less Sensitive Areas	Avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests, and critical habitats by locating development to fit the terrain in areas that will create the least impact.
	Open Space Design	Use clustering, conservation design or open space design to reduce impervious cover, preserve more open space, and protect water resources.
	Soil Restoration	Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of practices such as grass channels, filter strips, and tree clusters.
Reduction of Impervious Cover	Roadway Reduction	Minimize roadway widths and lengths to reduce site impervious area.
	Sidewalk Reduction	Minimize sidewalk lengths and widths to reduce site impervious area.
	Driveway Reduction	Minimize driveway lengths and widths to reduce site impervious area.
	Cul-de-sac Reduction	Minimize the number of cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
	Building Footprint Reduction	Reduce the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio.
	Parking Reduction	Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate.

Schedule A2

Green Infrastructure Techniques Acceptable for Runoff Reduction (From: New York State Stormwater Management Design Manual, Table 3.2)		
Group	**Practice**	**Description**
Runoff Reduction Techniques	Conservation of natural areas	Retain the pre-development hydrologic and water quality characteristics of undisturbed natural areas, stream and wetland buffers by restoring and/or permanently conserving these areas on a site.
	Sheetflow to riparian buffers or filter strips	Undisturbed natural areas such as forested conservation areas and stream buffers or vegetated filter strips and riparian buffers can be used to treat and control stormwater runoff from some areas of a development project.
	Vegetated open swale	The natural drainage paths, or properly designed vegetated channels, can be used instead of constructing underground storm sewers or concrete open channels to increase time of concentration, reduce the peak discharge, and provide infiltration.
	Tree planting / tree box	Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control.
	Stream daylighting for redevelopment projects	Stream daylight previously-culverted/piped streams to restore natural habitats, better attenuate runoff by increasing the storage size, promoting infiltration, and help reduce pollutant loads.
	Rain garden	Manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression.
	Green roof	Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.
	Stormwater planter	Small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality.
	Rain tank/Cistern	Capture and store stormwater runoff to be used for irrigation systems or filtered and reused for non-contact activities.
	Porous Pavement	Pervious types of pavements that provide an alternative to conventional paved surfaces, designed to infiltrate rainfall through the surface, thereby reducing stormwater runoff from a site and providing some pollutant uptake in the underlying soils.

Schedule A3

Stormwater Management Practices Acceptable for Water Quality *(From: New York State Stormwater Management Design Manual, Table 3.3)*		
Group	**Practice**	**Description**
Pond	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micro pool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A storm water wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
Wetland	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
Infiltration	Infiltration Trench (I-1) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2) (Runoff Reduction Capacity)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3) (Runoff Reduction Capacity)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
Filtering Practices	Surface Sand Filter (F-1)	A filtering practice that treats storm water by settling out larger particles in a sediment chamber, and then filtering storm water through a sand matrix.
	Underground Sand Filter (F-2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5) (Runoff Reduction Capacity)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
Open Channels	Dry Swale (O-1) (Runoff Reduction Capacity)	An open drainage channel or depression explicitly designed to detain and promote the filtration of storm water runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT

WHEREAS, the Municipality of the Village of Union Springs ("Municipality") and the _____("facility owner") want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

WHEREAS, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace, and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, stormwater ponds and wetlands, bioretention and rain gardens, tree boxes, green roofs, stormwater planters, rain tanks and cisterns, and porous pavement.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures, not less than once in every five year period, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of (a Bond, letter of credit, or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Cayuga together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to _____.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.

This agreement is effective _____ , 20__.